

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: July 12, 2007  
Comment Deadline: August 17, 2007  
Corps Action ID #: SAW-2007-02231-125

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

[http://www.saw.usace.army.mil/WETLANDS/Notices/Current\\_notices.html](http://www.saw.usace.army.mil/WETLANDS/Notices/Current_notices.html)

***Applicant:***

Gregory J. Thorpe, Ph.D.  
N. C. Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina 27699-1598

**Authority**

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act and Section 10 of the River and Harbor Act of 1899.

**Location**

The North Carolina Department of Transportation (NCDOT) proposes to construct on new location an extension of NC 43 from NC 55 to US 17. The proposed TIP project R-4463 involves constructing a four-lane divided expressway with a 46-foot median and partial control of access. The project, located west of New Bern in Craven County, is referred to as the NC 43 Connector (Bosch Boulevard) and is approximately 4.5 miles in length and has been divided into two sections, Section A and Section B. The proposed project is located in Neuse River Basin, Hydrologic Unit 03020204.

**Existing Site Conditions**

The project study area lies in the rural region of Craven County. The city of New Bern is located east of the study area. Land uses in the area consist primarily of agriculture, forestry, and low-density residential and commercial development. Most of the proposed road alignment is currently forested and mainly consist of managed pine plantations.

The topography in the study area is characterized as rather flat. The study area is located in the Coastal Plain physiographic province of North Carolina.

Six jurisdictional wetland areas will be impacted by the proposed project. There are no jurisdictional streams and/or associated riparian buffers within the project limits. Proposed impacts to jurisdictional wetlands within Section B total 2.36 acres of permanent impacts. Proposed impacts to jurisdictional areas within Section A have been calculated (2.06 acres); however, are preliminary at this time. The primary wetland community type associated with Section B can be characterized as Nonriverine Hardwood Forest and is an obvious depression that was recently logged. All wetlands within the project study area have been disturbed and altered to some extent.

### **Applicant's Stated Purpose**

The purpose of this project is to provide a new connection between US 17, US 70 and NC 43 to promote economic development in Craven County by providing a transportation infrastructure capable of accommodating future development that would result in job creation.

### **Project Description**

The following description of work is taken from data provided by the applicant. The proposed TIP project R-4463 involves constructing a four-lane divided expressway with a 46-foot median and partial control of access. The project is approximately 4.5 miles and proposes to construct on new location an extension of NC 43 from NC 55 to US 17. The proposed project would fill 4.04 acres of jurisdictional wetlands and require an additional 0.33 acres of mechanized clearing and 0.05 acres of excavation in wetlands. Permanent impacts to jurisdictional wetlands would total 4.42 acres.

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with the appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, Transportation Permitting Unit, 2321 Crabtree Boulevard,

Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Mr. John Hennessy by August 13, 2007.

### **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and has determined that registered properties, or properties listed as being eligible for inclusion therein are not located within the project area and/or will be affected by the proposed work.

### **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

### **Evaluation**

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property

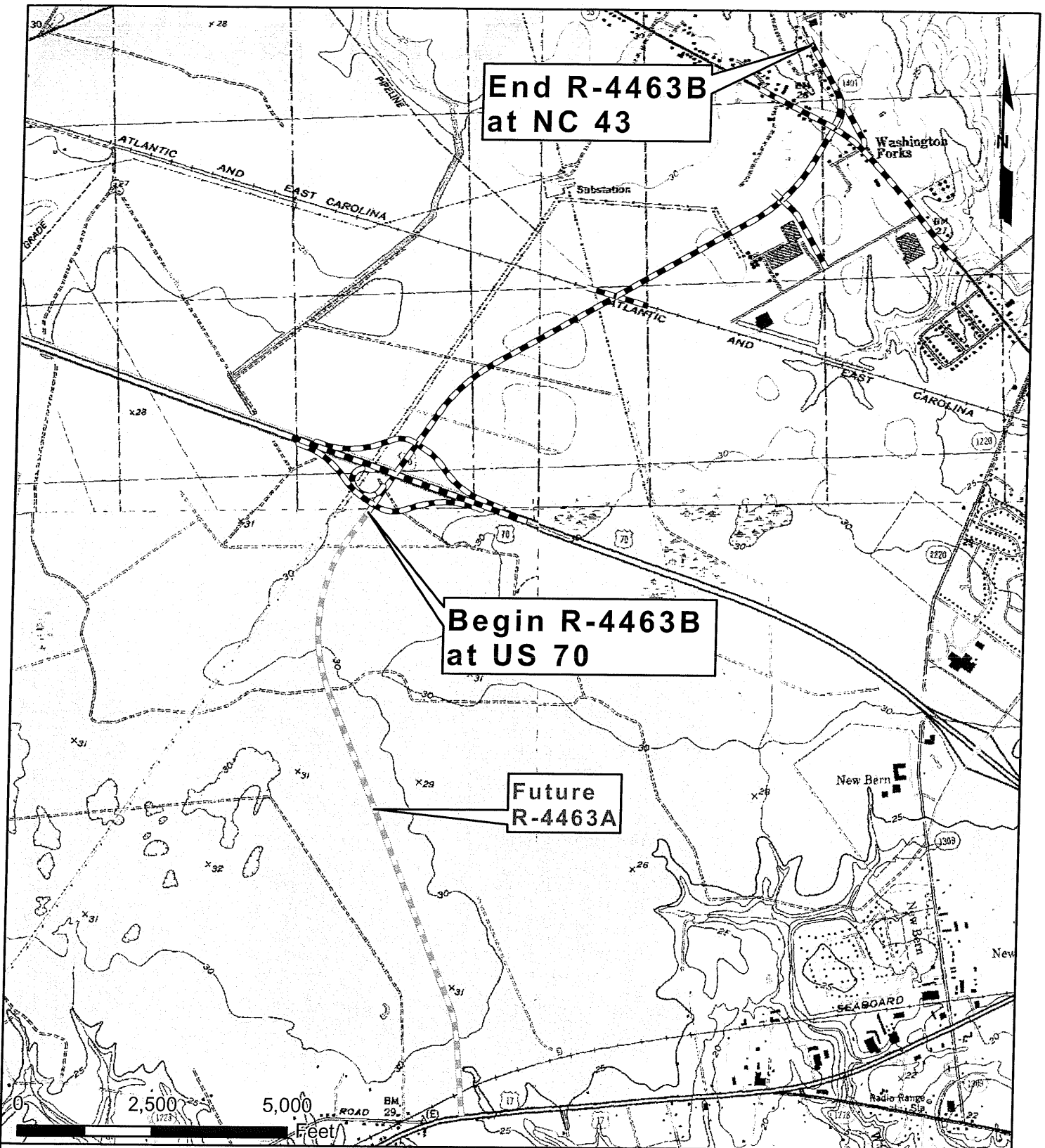
ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

### **Commenting Information**

The Corps is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, August 17, 2007. Comments should be submitted to US Army Corps of Engineer, attn: William Wescott Post Office Box 1000, Washington, NC 27889.



# LOCATION

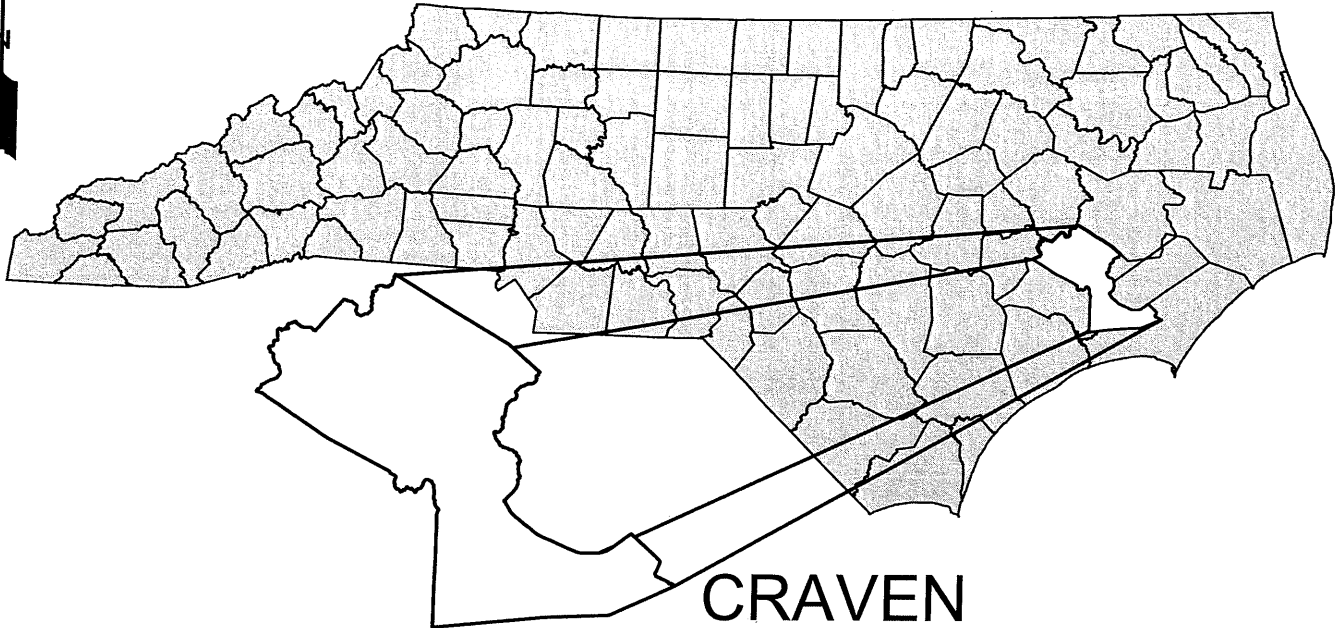
NCDOT

DIVISION OF HIGHWAYS  
CRAVEN COUNTY  
PROJECT: 35601.3.2 (R-4463B)  
NC 43 CONNECTOR

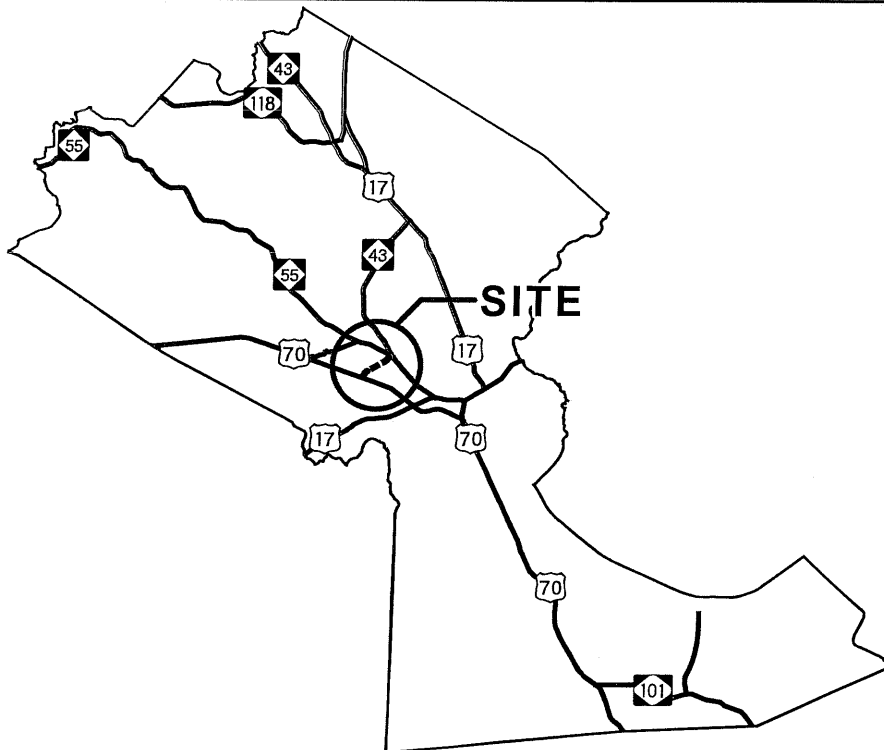
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# NORTH CAROLINA



CRAVEN



## VICINITY MAPS

NCDOT

DIVISION OF HIGHWAYS  
CRAVEN COUNTY  
PROJECT: 35601.3.2 (R-4463B)  
NC 43 CONNECTOR

03/26/07